
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

RACHAEL MAXWELL aka RACHAEL HOLLEY,

Plaintiff,

vs.

JAY V. BARNEY et al.,

Defendants.

ORDER

Case No. 2:06CV00840
Judge Dee Benson

Objection to Magistrate Judge's Order

Before the Court is Plaintiff's objection to the order issued by the magistrate judge on July 9, 2007 (Docket # 42). In that order, the magistrate judge denied Plaintiff's motion to amend her complaint, finding that Plaintiff had failed to comply with DUCivR 7-1(c) and that her proposed amendments would cause unfair prejudice to Defendants. Plaintiff now asks the Court to reconsider the matter.

Pursuant to 28 U.S.C. § 636(b)(1)(A), "a [district court] judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court A judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." Therefore, in order to vacate the magistrate judge's order, the Court must find that it is clearly erroneous or contrary to law. *See also* Fed.R.Civ.P. 72(a).

The Court determines that the magistrate judge's order is not clearly erroneous or contrary to law. Accordingly, the Court OVERRULES Plaintiff's objection to the magistrate

judge's order.

Motion to Stay Objection to Magistrate Judge Decision

Also before the Court is "Plaintiff's motion to hold in abeyance her objection to the magistrate's July 9, 2007 order [and] Plaintiffs' motion for an extension of time to reply to Defendants' opposition to that objection" (Docket # 53).

Plaintiff requests that this Court defer its ruling on Plaintiff's objection to the magistrate judge's July 9, 2007 order until after the magistrate judge rules on the pending motion for reconsideration of the denial of Plaintiff's motion to amend her complaint and renewed motion to amend. However, Plaintiff has not provided a valid basis for this Court to delay its ruling and the motion to hold in abeyance is DENIED.

Furthermore, pursuant to DUCivR 72-3(a), "a party opposing an objection to a magistrate judge order pursuant to Fed.R.Civ.P. 72(a) and 28 U.S.C. § 636(b)(1)(A) may file a response within (10) days after the objection has been filed." Neither the Federal Rule, nor the Local Rule governing objections to orders of magistrate judges require that an objecting party be entitled to file a reply in support of an objection. Therefore, Plaintiff's motion for an extension of time to file a reply is also DENIED.

IT IS SO ORDERED.

Dated this 2nd day of October, 2007.



Dee Benson
U.S. District Court Judge